



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

██████████
Docket No. 7616-23
Ref: Signature Date

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO ██████████, USN,
██████████

Ref: (a) Title 10 U.S.C. § 1552
(b) NAVADMIN 101/10, 19 Mar 10

Encl: (1) DD Form 149 w/attachments
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with the Board for Correction of Naval Records (Board), requesting that his naval record be corrected to show Petitioner was eligible for and received Basic Allowance for Housing (BAH) at the old permanent duty station (PDS) based on execution of a close proximity move.

2. The Board, consisting of ██████████, ██████████, and ██████████ reviewed Petitioner's allegations of error and injustice on 26 September 2023 and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, relevant portions of Petitioner's naval record, and applicable statutes, regulations, and policies.

3. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. On 21 August 2019, Petitioner signed a Dependency Application (NAVPERS 1070/602) listing Petitioner's spouse residing at ██████████, ██████████, and it was certified on 23 August 2019.

b. On 18 November 2022, Petitioner was issued official change duty orders (BUPERS order: 3222) while stationed in ██████████, ██████████, ██████████ with an effective date of departure of August 2023. Petitioner's intermediate (01) activity was ██████████ ██████████, ██████████, ██████████ for temporary duty under instruction with an effective date of arrival of 9 August 2023. Petitioner's ultimate activity was ██████████, ██████████, ██████████ for duty with an effective date of arrival of 21 December 2023 with a projected rotation date of January 2027.

c. On 7 February 2023, Commanding Officer, ██████████ notified PERS 414A via First Endorsement on Petitioner's letter of 26 January 2023 that Per COMNAVPERSCOM Millington TN 280057Z Oct 22 (BUPERS ORDER: 3012), Petitioner is authorized to receive BAH based on previous PDS. Request remove the funding for a household

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[REDACTED]

goods (HHG) move from Petitioner's orders listed as reference (b), and provide an Order Modification. Also noting that Petitioner established a residence prior to the release of his orders, he will be commuting daily to his new PDS, and the commuting distance is reasonable for this geographic location. With the removal of the funding for an HHG move, Petitioner realizes he has forfeited the authorization for the government to fund a move. Additionally, he will forfeit the right to receive BAH based on his previous PDS if petitioner moves his residence at his own expense. As indicated in the request, Petitioner acknowledges that any obligated service associated with these orders must still be completed.

d. On 4 August 2023, Petitioner transferred from [REDACTED] and arrived to [REDACTED] on 9 August 2023 for temporary duty.

e. On 11 August 2023, Petitioner's BAH at the with-dependent rate for [REDACTED], [REDACTED] stopped effective 8 August 2023 and BAH at the with-dependent rate for [REDACTED], [REDACTED] started on 9 August 2023.

f. On 15 September 2023, NAVSUP Fleet Logistics Center Norfolk notified the Board that there was no shipment of HHG for Petitioner's orders.

g. On 18 September 2023, Petitioner was issued official modification to change duty orders (BUPERS order: 3222). Petitioner was advised that per his request this order is issued with no entitlement or funding for relocation of dependents or movement of HHG. If Petitioner received approval for BAH at the previous PDS, he will forfeit the authorization for all travel and transportation allowances for the entire assignment per NAVADMIN 101/10.

CONCLUSION

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting the following corrective action. The Board concluded that Petitioner's request to receive BAH at the old PDS based on the provisions of a close proximity move was approved by his gaining command, however Petitioner's orders modification removing entitlement or funding for relocation of dependents or movement of HHG was issued after he executed orders. The Board determined that Petitioner had approval of the gaining command, he did not move residences, he will be commuting daily to his new PDS, and the commuting distance is reasonable for the geographic location. Therefore, Petitioner is eligible to receive BAH at the with-dependent rate based on his old PDS.

RECOMMENDATION

That Petitioner's naval record be corrected, where appropriate, to show that:

Petitioner's official modification to change duty orders (BUPERS order: 3222), with no entitlement or funding for relocation of dependents or movement of household goods, was issued on 3 August 2023 vice 18 September 2023.

Petitioner was authorized Basic Allowance for Housing (BAH) at the with-dependent rate for "[REDACTED], [REDACTED]" vice "[REDACTED], [REDACTED]" from 9 August 2023 to present. Note: If Petitioner moves from his residence, he will no longer be authorized BAH at the old permanent duty station.

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[REDACTED]

Note: Defense Finance and Accounting Service will complete an audit of Petitioner's records to determine if Petitioner is due any back pay.

A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above-entitled matter.

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)), and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of the reference, has been approved by the Board on behalf of the Secretary of the Navy.

9/29/2023

